

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

JERNARD A. FREEMAN

Plaintiff,

v.

DARRICK ENGELMAN, Fort
Wayne City Police Officer (#1628),
and GARY HENSLER, Fort
Wayne City Police Officer (#1690),

Defendants.

Case No. 1:08-CV-0155

OPINION AND ORDER

This matter is before the Court on the motion for partial summary judgment filed by Defendant Darrick Engelman. (Docket # 24.)

The Plaintiff's response (Docket # 26) indicates that he cannot make out a claim for a violation of his right to access to the courts. Accordingly, the motion will be GRANTED.

It is therefore ordered that the motion for partial summary judgment (Docket # 24) is GRANTED and the Plaintiff shall take nothing from Defendant Engelman on the claim alleging a violation of his right to access to the courts. The case will go forward on the remaining claim that the Defendants used excessive and unreasonable force on the Plaintiff.

SO ORDERED.

Enter for December 11, 2008.

S/Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge